

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Damien Alexander Phillips,

Plaintiff,

v.

High Desert State Prison, *et al.*,

Defendants.

Case No. 2:24-cv-02224-RFB-EJY

ORDER

On December 2, 2024, Plaintiff submitted a Civil Rights Complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff neither paid the \$405 filing fee nor submit an application to proceed *in forma pauperis*, one of which is necessary to commence a civil action. If Plaintiff wants to proceed without prepaying the filing fee he may do so under 28 U.S.C. § 1915(a) and Local Rule LSR 1-2.

To apply for *in forma pauperis* status, Plaintiff must submit **three** required documents to the Court including: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (*i.e.* pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (*i.e.* page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **January 30, 2025**, Plaintiff must either pay the \$405 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved form application to proceed *in forma pauperis* for an inmate and information and instructions for filing the same.

IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1) but will not file it at this time.

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2 IT IS FURTHER ORDERED that failure to file a single signed complaint and either pay the
3 \$405 filing fee or file a complete application to proceed *in forma pauperis* on or before **January 30,**
4 **2025**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without
5 prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able
6 to comply with LSR 2-1 and complete an application to proceed *in forma pauperis* or pay the
7 required filing fee.

8 Dated this 11th day of December, 2024.

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11 ELAYNA J. YOUCHAK
12 UNITED STATES MAGISTRATE JUDGE
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